

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**BRIAN TUCKER and
SHERRI TUCKER, his wife,**

Plaintiffs,

v.

**MOMENTIVE PERFORMANCE
MATERIALS USA, INC., et al.**

Defendants.

**Civil Action No. 2:13-cv-04480
Thomas E. Johnston, Judge**

NOTICE OF DEPOSITION *DUCES TECUM* OF JOHN SPENCER, C.I.H., C.S.P.

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, the Plaintiffs, by counsel, shall take the deposition upon oral examination of John Spencer, C.I.H., C.S.P., on **Thursday, February 9, 2017 beginning at 1:00 p.m. EST at the Hilton Garden Inn, Wilmington Mayfaire Town Center, 6745 Rock Spring Road, Wilmington, NC 28405**. A conference number will be circulated prior to the deposition for parties wishing to appear via telephone. The deposition will be taken before an officer authorized by law to administer oaths and will be recorded by sound-and-visual and stenographic means, and will continue from day to day until completed. The deposition will be utilized for all purposes authorized by the Federal Rules of Civil Procedure. You are invited to appear and protect your interests.

Pursuant to Fed. R. Civ. P. 30(b)(2), the deponent is requested to produce the

documents and tangible things described in Exhibit A attached hereto.

Respectfully submitted,

/s/ Scott B. Hall

Scott B. Hall, WVSB#12894

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

The witness is to bring with him to his deposition copies of the following:

1. Deponent's entire file relating to his work and/or opinions for this action.
2. All notes, correspondence, records, instrument tapes, slides, charts, monitoring reports, tape recordings, and every other document of every kind of description, which Deponent has seen, reviewed or to which he as referred in any way that relate to his review of the records in this case and to the opinion(s) rendered in his expert report.
3. All articles, books, reports, medical records, surveys, documents, and other materials in Deponent's possession that relate to opinion(s) rendered in his expert report.
4. All photographs and/or photographic productions or reproductions, projections and all other visual depictions of every sort made by or for the Deponent with reference to the Plant, any employee of the Plant, including but not limited to Brian Tucker, or reviewed or relied upon by Deponent.
5. All demonstrative exhibits of every character, sort and description that Deponent expects to use and/or make use of or otherwise refer to during his testimony at the trial of this matter.
6. All articles, books, reports, notes, charts, graphs, tapes, instrument recordings, slides, photographs and every other document or depiction of every sort or description generated by Deponent or at the Deponent's request or direction or supervision regarding the Defendants' case.
7. A current curriculum vitae.
8. A current listing of all publications and works in progress.
9. A listing of all articles, treatises, and/or references researched and/or reviewed by Deponent in connection with his work in this manner.
10. A listing of all general reference materials Deponent will be relying upon for his opinions or during his testimony in this matter.
11. A statement of the compensation to be paid for the Deponent's review, study and testimony in this case, including a review of your retainer agreement for this case.
12. An itemized list of time, charges and expenses for services or opinions rendered in this case, including an itemization for said services performed by any persons employed by you in this case.
13. All written correspondence, including email and questionnaires completed and/or provided by the Defendant and/or Defendant's counsel, between you and Defendant

and/or Defendant's attorney (regardless of whether related to the incident which is the subject matter of this lawsuit).

14. Any notes, outlines, or transcriptions used by the witness presently or in the past to give lectures, classes, or presentations which are related to the subject matter of this case.

15. A current list of all cases in which Deponent has been identified as an expert and/or testified, in deposition or at trial, in the last five (5) years and for each case indicate whether you were retained by the plaintiff or defendant.

